

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
MACON DIVISION**

WILLIAM HAYWOOD GORDON,)
)
)
Plaintiff,)
)
v.) CIVIL ACTION NO. 5:22-cv-458 (MTT)
)
)
SUPERIOR RECOVERY AND)
TRANSPORT LLC,)
)
)
Defendant.)
)

ORDER

Pro se plaintiff William Haywood Gordon filed this lawsuit against Wells Fargo Bank, N.A., Inc. (“Wells Fargo”) and Superior Recovery and Transport, LLC (“Superior Recovery”) alleging that the defendants unlawfully seized his vehicle. Doc. 1. Wells Fargo moved to dismiss and, in response, Gordon moved to amend his complaint. Docs. 7; 18. The Court granted Wells Fargo’s motion to dismiss, granted in part and denied in part Gordon’s motion to amend, and ordered Gordon to file an amended complaint no later than September 14, 2023. Doc. 26.

Gordon did not file an amended complaint. Rather, Gordon moved to set aside the Court’s prior order (Doc. 26) under Federal Rule of Civil Procedure 60(b). Doc. 27. The Court denied Gordon’s motion to set aside and ordered Gordon to show cause why his case should not be dismissed for failure to comply with the Court’s order to file an amended complaint. Doc. 28. Gordon was given until October 10, 2023 to comply with

the Court's order and warned that failure to comply could result in dismissal of this action. *Id.*

The time for compliance has again passed without a response from Gordon. As Gordon was previously warned, the failure to comply with the Court's orders and instructions is grounds for dismissing this case. See Fed. R. Civ. P. 41; *see also Brown v. Tallahassee Police Dep't*, 205 F. App'x 802, 802 (11th Cir. 2006) ("The court may dismiss an action *sua sponte* under Rule 41(b) for failure to prosecute or failure to obey a court order.") (citing *Lopez v. Aransas Cnty. Indep. Sch. Dist.*, 570 F.2d 541, 544 (5th Cir. 1978))¹. Accordingly, Gordon's complaint (Doc. 1) is **DISMISSED without prejudice**.

SO ORDERED, this 12th day of October, 2023.

S/ Marc T. Treadwell
MARC T. TREADWELL, CHIEF JUDGE
UNITED STATES DISTRICT COURT

¹ The Eleventh Circuit has adopted as binding precedent the decisions of the former Fifth Circuit rendered prior to October 1, 1981. *Bonner v. City of Prichard*, 661 F.2d 1206, 1209 (11th Cir. 1981) (*en banc*).